Reply to Ex-Parte Notice in FCC docket MM99-25

In a recent Ex-Parte notice, National Public Radio (NPR) stated that they voiced opinions on two issues relating to this docket. We felt that it was important to comment on this ex-parte communication since it potentially affects our station.

First NPR suggested processing applications from auction 83 before opening up a new LPFM filing window. As one of the many licensees that filed for, and received, an LPFM license before the auction 83 window opened, we would view this action as a very positive decision for existing LPFM stations. The reason for our position on this matter is that our transmitter site is short-spaced to several pending applications from auction 83. For the past 8 years, we have been unable to move or make any meaningful changes because of the translator applications that are in limbo. Our engineers have told us that once the auction 83 applications are processed, the logjam that keeps us from making meaningful, positive changes will be broken. This would create a very high likelihood that we will finally be able to make much needed improvements. I have spoken to many other LPFM licensees that are in a similar situation to the one we face. We therefore implore the Commission to take the existing LPFM licensees' needs into consideration when discussing this matter.

On the subject of 2nd channel adjacency use, we take exception to NPR's concerns as being without foundation. If NPR had concerns about the use of 2nd channel adjacencies, these should have been presented, along with some sort of engineering analysis, during the open comment period. We suspect that there is no scientific basis for their concerns. Translators, which routinely run at more than twice the power of LPFMs, are able to use 2nd adjacencies without any waiver, by simply providing a D/U analysis. This process has been used for many years without causing significant interference to adjacent stations, including those of NPR. If the process works for translators, it certainly must work for the lower powered LPFM service. Since NPR's filing does not describe the nature of their concerns, we cannot directly address them, but an attempt to raise concerns about the use of a proven, FCC acceptable method currently used in the translator service strikes us as being without much, if any, merit. We would encourage the Commission to allow the use of 2nd channel adjacencies based on the same D/U methods used by translators and with the obvious provision that the LPFM must remedy interference complaints in the same manner that translators must do.

We would also suggest that the Commission take note of the fact that the LPFM rules are not symmetrical with regards to translators. For example, LPFM stations must currently protect translators' 2nd and 3rd adjacent channels. Translators have no requirement to protect LPFMs on 2nd and 3rd adjacencies. Thus, an adjacent channel translator can move very close to an LPFM, but an adjacent channel LPFM that finds itself short-spaced to a translator can only move away from the translator. This makes no sense. Either the two facilities cause interference to each other or they don't. If they don't, as is evidently the case, then the LPFM spacing requirements to protect 2nd and 3rd channel adjacent translators should be dropped. In addition, the spacing rules are too granular with respect to first adjacent or co-channel situations. We would suggest either refining the spacing separations or allowing LPFM stations to use contour methods with respect to translators. Contour methods would be preferred since it would make translator and LPFM rules consistent with respect to each other. Given the great similarities between the two services, it seems that it would be proper to make the rules consistent for both services.

Respectfully Submitted,

Robert Honeycutt
WERF-LP